

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

IN RE: BARRY JAY KEISTER
SANDRA KAY KEISTER
Debtors

CASE NO. 22-11377
CHAPTER 13

TRUSTEE'S OBJECTION TO CONFIRMATION

COMES NOW the Chapter 13 Trustee, Debra L. Miller, and for her Objection to Confirmation states as follows:

- 1) Trustee initially notes the present hearing is for Confirmation of the Plan filed December 23, 2022. The Order fixing time to object to that Plan indicated any modifications or amendments filed and served at least 21 days prior to the last day for filing objections to confirmation would become part of the Plan and be considered at the confirmation hearing. On January 18, 2023, Debtors filed an Amended Plan. However, this Amended Plan has not been served and thus will not be considered at the Confirmation Hearing. Trustee would note that this has been discussed with debtors' counsel, along with potential resolutions.
- 2) Trustee objects to confirmation as the Plan fails to meet the best interests of creditors test under 11 U.S.C. §1325(a)(4) as:
 - (a) Debtors have nonexempt equity in the real estate located at 108 Hanna Street, Columbia City, Indiana, of \$45,980.00 and a like amount is required to unsecured creditors. It appears that debtors

intend to ultimately pay unsecured claims in full and bring the mortgage conduit.

3) Trustee objects to confirmation as the disposable income test has not been met under 11 U.S.C. § 1325(b)(2) and (3) as:

(a) The Plan provides for the Debtors to cure and maintain a 2019 Lincoln MKC with CommunityWide FCU. Debtors must provide proof that the interest rate is less than prime or this is prejudicial to other creditors. In addition, no proof of claim has been filed and a copy of the contract is needed to verify the loan does not mature during the bankruptcy term.

WHEREFORE, the Trustee objects to confirmation of the proposed Plan for failure to meet the requirements of 11 U.S.C. §1325(a) and (b).

Dated: February 21, 2023

Respectfully Submitted,
/s/ Katherine Iskin #33679-71
Katherine Iskin, Staff Attorney
Debra L. Miller, Chapter 13 Trustee
P.O. Box 11550
South Bend, IN 46634
(574) 254-1313

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the attached was sent on February 21, 2023

By U.S. Mail to the Debtors and Debtors' Attorney as follows:

Debtors: Barry and Sandra Keister, 216 East Ellsworth Street, Columbia City, IN 46725

By electronic e-mail to the Debtors' Attorney and the U.S. Trustee

Debtors' Attorney: Candace Arroyo

U.S. Trustee: ustpregion10.so.ecf@usdoj.gov

/s/ Suzanne Hall